

**Thomas P. Riley, SBN 194706
LAW OFFICES OF THOMAS P. RILEY, P.C.
First Library Square
1114 Fremont Avenue
South Pasadena, CA 91030-3227**

Tel: 626-799-9797
Fax: 626-799-9795
TPRLAW@att.net

**Attorneys for Plaintiff
Garden City Boxing Club, Inc.**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Garden City Boxing Club, Inc.,

CASE NO. 5:08-CV-00998-JF

Plaintiff,

vs.

Salvador Medinarios, et al.

**PLAINTIFF'S UNILATERAL CASE
MANAGEMENT CONFERENCE
STATEMENT**

Defendant.

FOR: Honorable Jeremy Fogel

DATE: June 13, 2008

TIME: 10:30 AM

Pursuant to this Court's Civil Local Rules, the Plaintiff submits this Unilateral Case Management Statement for the consideration of this Honorable Court.

This Statement is unilateral in nature because as of this writing, Salvador Medinarios failed to respond to Plaintiff's Complaint. Plaintiff requested entry of default from the Clerk of the Court on June 11, 2008.

Wherefore, the Plaintiff makes the following representations and recommendations to the Court in advance of the Case Management Conference, presently set for Friday, June 13, 2008:

A. Bases of Subject-Matter Jurisdiction, Personal Jurisdiction and Venue

The instant suit provides for federal question jurisdiction. Violations of two (2) federal

1 telecommunications statutes (47 USC 553, *et seq.*, and 47 USC 605, *et seq.*), are alleged against
2 Defendant. A common count claim of Conversion is also pled in the Complaint. The Court has
3 pendent jurisdiction of this common-count claim.

4 Venue is proper in the Northern District of California, because a substantial part of the
5 events or omissions giving rise to the claim occurred in this District. The Plaintiff is unaware of
6 any issues concerning venue of this action or personal jurisdiction involving the named defendant.
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8 **B. Brief Description of Claims and Defenses and a Description of Related
Proceedings**

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10 The Plaintiff claims that Defendant Salvador Medinarios (and/or his agents or employees)
11 misappropriated a televised professional boxing program to which the Plaintiff owned the exclusive
12 domestic commercial exhibition rights and thereafter exhibited the program at the commercial
13 establishment (The Derby) which he operates. The subject program, broadcast on February 25,
14 2006, was "*Showdown: Fernando Vargas v. Shane Mosley WBA Light Middleweight
Championship Fight* (hereinafter "*Program*").
15

16 There are no related proceedings, including any administrative proceedings, pending at this
time.
17

C. Summary of Proceedings to Date/Compliance with Initial Disclosures

18 Because Defendant Salvador Medinarios is in default, the Plaintiff has not made its Initial
19 Disclosures to the Defendant.
20

21 The Initial Case Management Conference presently on calendar for June 13, 2008 shall be
the first proceeding conducted in this action.
22

23 **D. Pending Motions and Current Status**

24 There are no motions pending at this time
25

26 **E. Brief Description of Motions Expected Before Trial**

27 Plaintiff does not anticipate filing additional motions at this particular time.
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1 **F. Joinder of Additional Parties/Dismissal of Current Parties**

2 The Plaintiff does not anticipate dismissing the current Defendant to the action nor does
3 Plaintiff anticipate joining additional parties with liability for the unlawful exhibition of Plaintiff's
4 *Program* at the Defendant's place of business.

5 **G. Evidentiary/Claim-Construction/Class Certification Hearings**

6 In the event such becomes necessary, Plaintiff anticipates an evidentiary hearing on the
7 issues of statutory damages, attorneys' fees and costs. Claim-construction and or class certification
8 hearings are not anticipated by the Plaintiff.

9 **H. Compliance with Evidence-Preservation Requirements.**

10 The Plaintiff and its counsel have taken affirmative steps to preserve evidence related to the
11 issues presented by the instant action, including but not limited to those set forth in Paragraph Four
12 (4) of the Court's Supplemental Order and F.R.C.P. 26 (d).

13 **I. Stipulated Discovery Limits**

14 The Plaintiff has not stipulated to any discovery limits differing from the Federal Rules of
15 Civil Procedure at this time.

16 **J. Proposed Deadlines**

17 The Plaintiff respectfully requests that the Court withhold setting deadlines until reciprocal
18 exchanges of initial disclosures have been made, the ADR conference is completed and the initial
19 Case Management Conference is conducted in this action.

20 **K. Jury Demand**

21 Should such become necessary, the Plaintiff requests a bench trial.

22 **L. Damages and Other Relief,**

23 Plaintiff seeks statutory damages, actual damages attorney's fees and costs against the named
24 Defendant. The computation of Plaintiff's damages prayed for in the complaint filed in this action
25 are, as follows:

a. Count I: 47 U.S.C. 605 (e)(3)(B)(iii) and (c)(ii):	\$ 50,000.00
b. Count II: 47 U.S.C. 553 (b)(2) and (c)(2)(c):	\$ 50,000.00
c. Count III: Conversion:	\$ 1,200.00 (approx.)
Total:	\$ 101,200.00

M. Alternative Dispute Resolution

As of this writing, the parties have not been assigned to an ADR process. The Plaintiff requests a Settlement Conference before a District Court Magistrate Judge.

N. Consent to Magistrate Judge

The Plaintiff does not consent to disposition and trial of this action by a magistrate judge.

O. Service List of Counsel**Plaintiff's Counsel:**

Thomas P. Riley: Telephone: 626-799-9797 Facsimile: 626-799-9795

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SIGNATURE AND CERTIFICATION BY PARTIES AND LEAD TRIAL COUNSEL

Pursuant to Civil L.R. 16-12, the undersigned, as lead trial counsel, certifies that he has read the brochure entitled "Dispute Resolution in the Northern District of California", discussed the available

1 dispute resolution options provided by this Court and private entities, and has considered whether this
2 case might benefit from any of the available dispute resolution options.

3

4 Respectfully submitted,

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6 Dated: June 12, 2008

7 /s/ Thomas P. Riley

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9 **LAW OFFICES OF THOMAS P. RILEY, P.C.**

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11 By: Thomas P. Riley

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13 Attorneys for Plaintiff

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15 J & J Sports Productions, Inc.

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39 **CASE MANAGEMENT ORDER**

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1 **The Case Management Statement and Proposed Order is hereby adopted by the Court**
2 **as the Case Management Order for the case and the parties are ordered to comply with this**
3 **Order. In addition the Court orders:**

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10 Dated:

11 **HONORABLE JEREMY FOGEL**
12 United States District Judge
13 Northern District of California

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25 **PROOF OF SERVICE (SERVICE BY MAIL)**

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27 I declare that:

1 I am employed in the County of Los Angeles, California. I am over the age of eighteen years
2 and not a party to the within cause; my business address is First Library Square, 1114 Fremont Avenue,
3 South Pasadena, CA 91030. I am readily familiar with this law firm's practice for collection and
4 processing of correspondence/documents for mail in the ordinary course of business.

5
6 On June 12, 2008, I served:

7 **PLAINTIFF'S UNILATERAL CASE MANAGEMENT STATEMENT**

8 On all parties in said cause by transmitting a true copy by enclosing a true copy thereof in a
9 sealed envelope with postage prepaid and following ordinary business practices, said envelope was
10 duly mailed and addressed to:

11 Salvador Medinarios (Defendant)
12 2036 Ridgemont Drive
13 San Jose, CA 95148

14
15 I declare under the penalty of perjury pursuant to the laws of the United States that the
16 foregoing is true and correct and that this declaration was executed on June 12, 2008, at South
17 Pasadena, California.

18 Dated: June 12, 2008

/s/ Emily Stewart
EMILY STEWART

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